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November 7, 2017

Cheryl L. Pollak
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

*Ortega, et al. v/ Demirovic, et al.
15 cv 327 (CLP)*

Dear Judge Pollak:

I apologize for what appears to be a late response to your Memorandum & Order of November 3rd, but I was in Albany on State Bar business from November 2nd to the 5th, and did not have the occasion to see it until yesterday afternoon.

I ask you to accept this as a motion to reconsider that part of your Order regarding Rocio Uchofen being subjected to the TRO for this reason: The jury's response to Question 43 of the first verdict sheet clearly evinced the jury's verdict excluding her as an "employer" of any of the four plaintiffs. Accordingly, that removed her from liability on the wage claim.

Ms. Uchofen was released from the liability of retaliation claims covered by the second verdict sheet by reason of her earlier release resulting from the plaintiffs' failure to prove by a preponderance of the credible evidence that she was an employer.

I submit, quite respectfully, that Ms. Uchofen was absolutely immunized against liability in the retaliation claim once the earlier verdict sheet found that she was not an employer. And accordingly, she should not be subjected to the TRO order under the laws of New York State or the United States.

Respectfully yours,


Jonathan B. Behrins

Via ecf